No. 126, Original

IN THE SUPREME COURT OF THE UNITED STATES
October, 1998 Term

STATE OF KANSAS,

Plaintiff,

vs.

STATE OF NEBRASKA and STATE OF COLORADO,

Defendants.

ANSWER OF THE STATE OF COLORADO

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ANSWER OF THE STATE OF COLORADO

The State of Colorado, in response to the State of Kansas' Bill of Complaint alleging violations by Nebraska of the 1943 Republican River compact, Pub. L. 78-60, 57 Stat. 86 (1943) ("Compact") and requesting injunctive relief. states as to each allegation of the petition:

1. Colorado admits the allegations of paragraph 1 of the complaint.

2. Colorado admits the allegations of the first sentence of paragraph 2 of the complaint. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in the second sentence of paragraph 2, and therefore denies the same.

3. Colorado admits the allegations of Paragraph 3 of the complaint.

4. Colorado admits the allegations of Paragraph 4 of the complaint.

5. Colorado admits the allegations of Paragraph 5 of the complaint.

6. Colorado admits the allegations of Paragraph 6 of the complaint.

7. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the complaint, and therefore denies the same.

8. Colorado believes that Nebraska claims that groundwater use is not regulated by the Compact. Colorado is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 8 of the complaint, and therefore denies the same.

9. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the complaint, and therefore denies the same.

10. Colorado believes that Nebraska does not regulate groundwater use in the Republican River basin for purposes of complying with the Compact. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 10 of the complaint, and therefore denies the same.

11. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations

contained in paragraph 11 of the complaint, and therefore denies the same.

12. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the complaint, and therefore denies the same.

13. Colorado admits that Kansas has requested that Nebraska rectify its alleged Compact violations and that Nebraska has voted against Kansas' requests that the Administration address the alleged violations. Colorado is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 13 of the complaint, and therefore denies the same.

14. Colorado admits that there have been attempts by all members of the Compact administration to resolve the question of whether groundwater is included in the Compact allocations and that the parties have not been able to resolve this issue. Colorado is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 14 of the complaint, and therefore denies the same.

15. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the complaint, and therefore denies the same.

16. Colorado is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the complaint, and therefore denies the same.

17. The allegations and requests for relief set forth in Kansas' Bill of Complaint are directed solely toward the State of Nebraska. Kansas has failed to state a claim against Colorado. Colorado reserves the right to assert specific defenses if allegations are made or issues are raised that may affect Colorado's rights or obligations under the Compact.

WHEREFORE, because Colorado has neither alleged a violation of the compact nor been charged with violating the compact, Colorado requests that it not be required to pay costs and that its attorney fees be assessed against the losing party. Further, Colorado requests any other relief as the Court deems proper.

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